

Interracial News Service

A DIGEST OF TRENDS AND DEVELOPMENTS IN HUMAN RELATIONS
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FROM NEVER TO TOKEN DESEGREGATION OF PUBLIC SCHOOLS THIS FALL

"Form the flying wedge! Pull three more patrol cars into the center of the mob and radio for another fire engine!! Get the colored children out of the school and take them home. This thing is getting out of hand."

These were familiar instructions in front of many school-houses on September mornings for several years. This year they have not yet been heard. What happened? Is it the new administration? Have the segregationists given up? Has the back of violent resistance been broken? Has the Deep South decided to comply with the Supreme Court decision after seven years? It would be good if the answer to all of these questions — or any of them — were yes. But the truth seems to be it is too early to discern the events which have made the news reports this fall seem so strangely different. The news looks good but one can only speculate as to the reasons.

And the news briefly is as follows: Thirty more school districts desegregated at the beginning of this school year, with a few more expected by well informed authorities to follow within a few weeks. At least one of these is likely to be the one remaining large city of the area which, thus far, has been unaffected.

Two of the thirty were among the South's ten largest cities — Atlanta and Dallas. Both desegregated on a token basis after months of careful preparation and planning on the part of community leaders, city fathers, departments of police, civic and religious groups, and the teachers and students themselves. For their trouble they were rewarded with a peaceful process.

PEACEFUL ATLANTA

On August 30 President Kennedy had high praise for the city of Atlanta when he said: "First, I want to take this opportunity to congratulate Gov. Vandiver, Mayor Hartsfield, Chief of Police Jenkins, Superintendent of Schools Letson and all of the parents, students and citizens of Atlanta, Ga., for the responsible, law-abiding manner in which four high schools were desegregated today. . . . I strongly urge the officials and citizens of all communities which face this difficult transition in the coming weeks and months to look closely at what Atlanta has done and to meet their responsibility, as the officials of Atlanta and Georgia have done, with courage, tolerance and, above all, with respect for the law."

For what was the President commending Atlanta and Georgia? On that same day nine Negro children were transferred to four Atlanta public schools which had previously been all-white. Earlier this year two Negro students had been admitted to the University of Georgia in nearby Athens and bedlam had reigned on the campus, in the legislature and about the state. A quick session of the legislature repealed a law which said that no state funds could be administered to any school which desegregated. Unlike Athens, Atlanta was quiet. A few youths were arrested near one of the schools the first day. They were arrested, tried, convicted and sentenced to 30 to 60 day jail sentences within one hour. This news was immediately broadcast over the city for all to know of the quick justice which was being administered in Atlanta, Georgia, on August 30.

How had it come about? The Negro students were not admitted by choice of the school board, the city administration, the governor, nor by anyone else congratulated by the President.

They were admitted under a court order from U. S. District Court Judge Frank Hooper, who had accepted a pupil placement plan presented to him by the Atlanta Board of Education. Pupils in the two top secondary grades who met certain placement standards were to be accepted. Others could be turned down and were turned down. But the nine who were finally accepted came without trouble. Among the few who sought to make trouble was Bill Gene Cody of Arlington, Va., who said he was "a storm trooper sent to Atlanta by Commander (Lincoln) Rockwell." Rockwell heads the American Nazi Party. When sentenced, young Cody clicked his heels, gave a Nazi salute and shouted, "Sieg heil." He was sentenced to 30 days in jail. Unlike other cities where desegregation has come to the public schools, city officials in Atlanta were in complete control.

LAWFUL DALLAS

It was much the same story throughout the region. Dallas was the other large city to begin desegregation of public schools for the first time. Like Atlanta, it could not be said of the school board that the action had been voluntary. It came after five years of litigation. When it did come, it involved 18 children in the first grade. The public school enrollment is approximately 140,000. Of these, 23,000 are Negroes. In the first grade, the only grade involved in the court approved grade-a-year plan, there are about 12,000 children; one sixth of that number are Negroes.

Like Atlanta, Dallas had spent months in preparing for the opening of school. A group of business and professional people calling themselves the Dallas Citizens' Council had provided the leadership. The Dallas Council of Churches joined with the group in an extensive and city wide campaign of education. The education was aimed directly at obedience to law. Little was mentioned of the merits or morality of the case, or of desegregation per se. Every effort was made to bring the citizens of Dallas to a commitment to law and order. A special film was produced and widely shown, extolling the virtues of Dallas as a city of peace. No one can question the effectiveness of their efforts.

Several factors seemed to keep the number of Negroes small. Because of the strict terms of the transfer plan it was not expected that many pupils would be involved. But the number finally transferred was even smaller than anticipated. One reason seemed to be that any student wishing to transfer to a previously all-white school had to initiate his request with his home principal. In the case of Negro pupils, these principals were always Negro principals. According to the *Dallas Morning News* these principals did not bother to put into channels applications of any youths with older brothers or sisters in any Negro elementary school. One of the district's prime transfer rules involves the so-called 'brother-sister clause' that restricts members of the family to the same school. Since only first-graders were eligible for transfer, it was impossible for an older brother or sister to make the change. Negro officials estimated that only some 30 of the nearly 3,000 colored youngsters who entered school for the first time did not run afoul of the brother-sister clause.

There were 16 other "factors" which administrators could apply in deciding whether to grant the transfer request.

But there was peace.

ELSEWHERE IN THE SOUTH

Elsewhere in the South other school districts, as well as some colleges, were making a beginning toward compliance with the Supreme Court decision on public education. There are six colleges involved. Four are private and two public. The private colleges, Duke, Davidson, Mars Hill and Oklahoma Christian, are all church related. Three of them are in North Carolina. The one Negro student entering Mars Hill College, a Southern Baptist school in North Carolina, is the great, great granddaughter of a slave, owned by the college and used to pay off a mortgage on school property, saving the life of the school.

Most of the other school districts desegregating for the first time are small. Galveston, Texas, where 35 Negro pupils were admitted to kindergarten and first grades in three schools under a court-ordered grade-a-year plan, is an exception.

Only nine of the thirty districts which desegregated did so under court orders. The 21 others did so voluntarily, but are located in states where court orders have ordered other districts to desegregate.

Of the 21, Virginia has 8, more than any other state. This state, the classic example of "massive resistance," now has 19 desegregated school districts since abandoning massive resistance in early 1959. Lynchburg has now announced that it will adopt a gradual desegregation plan. The new districts will bring the total of Negroes in biracial schools to 537. This compares to 211 in 1960-61 and 103 in 1959-60.

Seven of the districts were in Texas, bringing the number of desegregated districts to 137. This is of a total of 720 biracial districts. All of the Texas districts desegregated voluntarily with the exceptions of Dallas and Galveston.

Other states reporting new schools and districts desegregating for the first time are Tennessee, Kentucky, Delaware, Florida and North Carolina. None of those states was desegregating a district for the first time.

What do these developments of the fall of 1961 do to the total picture on a regional basis? First, it brings the total number of school districts desegregated to 811. The region has a total of 6,663 districts, of which 2,813 have both white and Negro pupils living in them. Thus the progress is slow but steady. Only three states, South Carolina, Alabama and Mississippi, have no desegregated public schools at all.

LEARNING LESSONS

But what kind of progress is it and what does it mean? We posed several questions in the beginning and gave no answers. No answers are indicated at this point either. There are a few guesses one can make.

The most significant thing this fall has been the absence of serious violence. This is encouraging, but it is doubtful if this suggests an affirmative answer to any of the questions raised above. It does seem to indicate that it is possible for one city to learn a lesson from another. In the past city, and more especially state officials seemed to say, "We will do this if the court says we have to, but it won't work and we will have violence." Then when their prediction came about, the attitude was: "We tried it and it didn't work, just like we said. Maybe the world will believe us now." There seemed to be a certain "I told you so" variety of pride when there was trouble. But in every case the violence was not the end of the story. Little Rock had not one new industry in two years, following a period of rapid industrial development prior to the eruption of violence. New Orleans, long a major tourist

center, admittedly suffered great financial loss following their trouble in the fall of last year. This came about in the loss of Mardi Gras revenue as well as in other areas. Both the *New York Times* and the *Wall Street Journal* reported studies showing serious loss. Atlanta and Dallas took a long and careful look at Little Rock and New Orleans. There is no question that they benefited greatly by the mistakes of other cities. Until a year ago it appeared that one city or state did not profit from the errors of the ways of a sister city or state. Virginia showed little evidence of learning from Arkansas and Louisiana did not appear to be even aware of the price of Little Rock. Now the picture has changed. A learning process *has* been set in motion. For the first time several cities seem to be saying, "The court says we must do it and we will make it work for the world to see."

But there is another factor which must be considered. There seems little doubt but what the new federal administration, acting through both the judiciary and the executive, has made some difference. Their approach has been more direct and their involvement has been far more aggressive than before. This has not been through the courts alone. The personal approach of the Attorney General and his staff has been persuasive in some cases. And the knowledge that there will be no "letting up" in the process has doubtless brought some cities to see the futility of engaging in long and bitter court struggles, only to lose in the end. Other "voluntary" action can be anticipated.

"NEVER" TO "TOKEN"

Does this mean the end of resistance is in sight? Not at all. It appears that we are entering a new era of resistance, not nearing the end. A few years ago the word was "Never!" Even then, if one could get close enough to the ardent segregationist, he would admit that he was engaging in delaying tactics, and that when desegregation did come, the number affected would be small. His logic was that if enough noise were made and enough opposition was raised, it would greatly exaggerate the problem, and those favoring desegregation would be willing to settle for far less than if the segregationist made his final offer (token desegregation) his bargaining offer. He was right.

The key word now seems to be, "Token." Just a little. An Alabama newspaper which has been among the most vociferous in opposing any degree of desegregation wrote editorially of Atlanta that 9 Negro children in 4 schools in a city the size of Atlanta could hardly be called desegregation. The editor was commenting on the congratulations of the world to Georgia and Atlanta and saying, in effect, that there was nothing for which to be commended. He further said that "the people of Georgia will never surrender." Thus far he has not been proven wrong. Few white segregationists in Georgia feel that the battle to prevent mass desegregation in the public schools has been lost. In fact, they seem to get a great deal of satisfaction from the commendations, for it says to them that those willing to congratulate them won't be bothering them any more. This may or may not be the case.

There was another part of the logic of the "Neverist." By delaying tactics he hoped to make the Northern pattern the Southern pattern. That is, he hoped to prevent wholesale desegregation by changing residential patterns. This has been only partially successful and has worked only in large cities. It is doubtful if it will ever be as successful as it has been in areas of the North.

From "never" to "token" is not as far as it seems. From token to a fact accomplished is much farther.

Thus the fall of '61.

SPEEDING UP THE PACE OF SCHOOL DESEGREGATION

"The Nation's progress in removing the stultifying effects of segregation in the public elementary and secondary schools — North, South, East and West — is slow indeed." These words

introduce the section on "Conclusions", contained in the second volume of the United States Commission on Civil Rights five volume 1961 report to the President and Congress. (*Educa-*

tion: 1961 United States Commission on Civil Rights Report 2. Available from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.). Based on its findings of a study of progress toward desegregation since the Supreme Court struck down the doctrine of "separate but equal" schools in 1954, the Commission makes the following recommendations on "federal action to speed desegregation":

- That Congress pass legislation requiring that every segregated school district submit plans to the Federal Government for a first step in desegregation "within six months after the adoption of such legislation." "Further, that Congress direct the Attorney General to take appropriate action to enforce this obligation. . . ."

- That the Congress provide that Federal grants-in-aid for education to any state be reduced if that state continues to maintain a segregated school system. It proposes that the assistance be cut as much as 50 per cent in ratio to the number of segregated schools.

Commissioner Rankin dissented from this recommendation on the ground that its effect would be punitive on school children. He wrote, "I do not believe that school children should be made to suffer for the errors of their elders."

- "That Congress consider the advisability of adopting measures to expedite the hearing and final determination of actions brought in Federal courts to secure admission to publicly-controlled educational institutions without regard to race, color, religion or national origin. . . ."

OTHER RECOMMENDATIONS

Other recommendations relate also to furthering the process of compliance with the Supreme Court decision. These recommendations are made to the Congress and/or the President where he has authority to issue an executive order or where he can act under existing legislation. They are:

- Providing Federal financial aid and technical assistance to local school systems that undertake desegregation.

- Furnishing loans to local school districts whose state funds have been cut off as a result of desegregation.

SCHOOL DESEGREGATION: A NORTHERN PROBLEM

Little Rock, New Orleans, Dallas, Atlanta and other southern situations have focused the nation's attention on the school desegregation issue on the South. Very little public attention has been given to the problem of "de facto" school segregation in the metropolitan areas of the North and West. What is the nature of this confrontation? What are some of the legal and moral aspects of this problem in the urban North and West?

THE CONFRONTATION

Two factors which have created the confrontation on a widespread basis are migration of non-whites to the urban North and West and their subsequent concentration due primarily to housing discrimination. In 1930 about 71 per cent of American Negroes resided in the eleven states of the Middle and Deep South. The 1950 census showed a reduction of this figure to 60 per cent. The 1960 census indicates a further reduction, showing 52 per cent of the country's 18,900,000 Negroes living in the South. The 1960 census lists five cities (New York, Chicago, Los Angeles, Philadelphia, Detroit) with more Negro residents than any southern city where segregation was required by law in 1954.

When the system of the neighborhood school (child going to the nearest school) is added to the factor of the concentration of non-whites into "ghettoes" largely because of discrimination in housing, "de facto" school segregation is virtually the inevitable result. This type of segregation is called "de facto" since it was not explicitly created by laws. It is to be distinguished from "de jure" segregation which is supported by or created by laws.

- Authorizing the Commission to serve as a clearing house for information about procedures and problems in desegregation of schools and permitting it to create an advisory and conciliation service for local communities.

- Directing the Attorney General to protect school officials, children, parents and citizens against harassment, intimidation and reprisal in carrying out plans for desegregation.

- Arranging for a survey to determine the segregated-desegregated status of schools attended by children of military personnel and taking steps to provide desegregated schooling for such dependents of military personnel.

- Directing that Federal financial aid under the Library Act of 1956 be withheld from states that maintain segregated libraries which receive Federal funds.

- Furnishing to states Federal aid for programs designed to identify and aid teachers and students who are handicapped by unequal educational opportunities.

- Distribution of Federal financial assistance for higher education only to publicly controlled institutions that operate without discrimination.

- Arranging for an annual survey of the ethnic classification of all students enrolled in the country's public schools.

THE NEED FOR LEGISLATION

Presently the progress in school desegregation continues primarily to be hammered out school district by school district in the Federal courts. Can the nation await this tortuous process? President John F. Kennedy has said, "Our progress as a Nation can be no swifter than our progress in education. Our requirements for world leadership, our hopes for economic growth, and the demands of citizenship require the maximum development of every young American's capacity. The human mind is our fundamental resource." In the absence of voluntary compliance, the nation must look to legislation among other ways to speed up the pace of school desegregation. Out of a process of study, hearings and deliberations of the progress of school desegregation, the U. S. Commission on Civil Rights has come to this conclusion and has made these recommendations to the President and to the Congress.

Almost exclusively Negro or exclusively white public schools can be found in urban centers of the North and West. In New York, approximately one-fifth of the New York City elementary and junior high schools enrolled 85 per cent or more Negro and Puerto Rican pupils, while 48 per cent of the elementary and 44 per cent of the junior high schools enrolled 85 per cent or more white pupils according to a 1960 Report of the Board of Education. "In Chicago, 102,000 Negro boys and girls — 87 per cent of the city's Negro elementary school students — attend virtually all-Negro schools. In Detroit, 45 per cent of the city's Negro children enrolled in the city's public schools attend schools in which Negroes make up more than 80 per cent of the school population. Philadelphia has 38 elementary schools with Negro enrollments of more than 99 per cent. In Los Angeles, 43 elementary schools have at least 85 per cent Negro attendance." (*School Segregation, Northern Style* by Will Maslow and Richard Cohen, Public Affairs Pamphlet 316, 1961). Among other cities with high racial concentrations in public schools are Boston, Indianapolis, Cleveland, Pittsburgh and Youngstown.

This brief picture of the migration and population concentration of non-whites in our large metropolitan areas makes it clear that the North and West face also the issue of school desegregation and the implications of the Supreme Court decisions in the school segregation cases.

THE LEGAL ISSUE

At least until 1954, state and local laws required separate public schools in the South. When segregation is the direct

result of law the constitutional issue is clear. A violation of the 14th amendment exists.

However, in the North and West school segregation has arisen as a matter of practice supported by custom, but without explicit sanction of the law. "De facto" segregation which derives from private choice freely exercised or from residential segregation based on private discrimination is not expressly forbidden.

Nevertheless, the questions of motivation and intent of local school boards in utilizing their powers are open to challenge in the courts where there exists a pattern of school segregation.

For example, in the New Rochelle case, the Federal District Court in *Taylor v. Board of Education of New Rochelle*, New York, January 24, 1961, placed squarely on the local board the responsibility of undoing segregation created prior to 1949 by the gerrymandering of a school district. This decision was sustained by the Circuit Court of Appeal on August 2, 1961.

This decision, as well as others, will have far reaching implications. Any segregation in a school system may be in violation of the 14th amendment of the Constitution. School boards, if challenged, may have to prove that zoning lines have followed residential patterns by coincidence rather than by design; that transfer policies were not used to sustain a segregated school or schools; that sites and sizes of schools were not determined to foster segregation. Thus, recent court decisions, especially the New Rochelle case, challenge in a new way many local school boards in the North and the West which have regarded themselves as immune from the constitutional question because segregation did not arise from school assignment explicitly by race.

One immediate result will be the rise in the number of cases in which non-white children will challenge local boards on the issue of segregation in the public schools. This has happened subsequent to the New Rochelle case in Philadelphia and more recently in Chicago.

THE MORAL ISSUE

The Supreme Court in its now historic decision of 1954 stated that "Segregation with the sanction of law . . . has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they should receive in a racially integrated school system." The Court further said, "To separate them from others of similar age and qualification solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

If this conclusion of the Court is true, racially homogeneous schools, whether sustained by laws in violation of the Constitution or by residential segregation and/or by the neighborhood school system, result in an inferior education for the minority group child.

Therefore, apart from the question of constitutionality of a given situation of "de facto" school segregation, local

school boards and citizens face a moral issue. If there is no improper gerrymandering, no manipulation of transfers, or site selection, that is, no governmental action in promoting racial discrimination, a moral question remains: What is the responsibility of local boards of education and citizens to meet the challenge of providing equal educational opportunities to all the children in their school systems?

SOME RECENT PAMPHLETS

The following pamphlets are listed for those who are interested in learning more about this confrontation and about ways in which some school boards and citizens have worked to meet the challenge posed by "de facto" school segregation.

School Segregation, Northern Style, by Will Maslow and Richard Cohen. New York: Public Affairs Committee Inc., 1961; Public Affairs Pamphlets, 22 E. 38th St., New York 16, N. Y. 25¢ each.

Provides a good introduction to the problem, causes, results and extent of "de facto" racial segregation in the North and various techniques devised to attack the problems.

De Facto Public School Segregation, by Will Maslow. Reprinted from Villanova Law Review, Volume 6, No. 3 (Spring, 1961), pp. 353-376. American Jewish Congress, 15 E. 84th St., New York 28, N. Y., June 1961.

Discusses the issue of "de facto" school segregation from the legal point of view.

Parent Action in School Integration — A New York Experience, by Gladys Meyer. United Parents Associations of New York City, Inc., 44 W. 28th St., New York 1, N. Y. 25¢ each.

Furnishes some "guideposts and direction markers to parent groups, community groups and leaders" which have grown out of "this group's efforts to deal with the problems."

Questions and Quotes About School Integration and Your Child, by Community Relations Division, The City of New York, Commission on Intergroup Relations, 80 Lafayette St., New York 13, N. Y. Mimeographed.

The Treatment of Minorities in Secondary School Textbooks, by Dr. Lloyd Marcus. Anti-Defamation League of B'nai B'rith, 515 Madison Ave., New York 22, N. Y. 50¢ each.

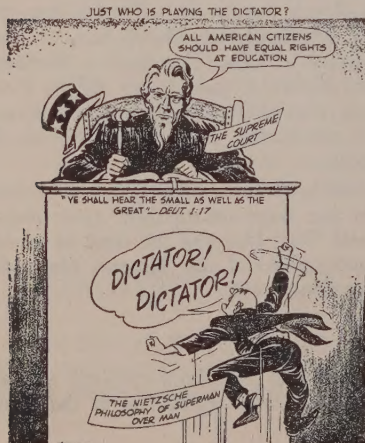
A survey of 48 representative Social Studies textbooks discloses that high school students are exposed to a distorted view of minority groups.

The Editors express their appreciation to the Rev. Will D. Campbell, Associate Executive Director of the Department of Racial and Cultural Relations, National Council of Churches, for the article, *From Never to Token Desegregation of Public Schools This Fall*.

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